mediate possession, it should not have been admitted. The statute is designed to prevent any interference with the peaceable possession of land which would tend to a breach of the peace, and, given a forcible entry, the plaintiff need only establish the fact of his actual peaceable possession. *Craig* v. *Donnelly*, 28 Mo. App. 342. A trespasser may maintain the action if he has possession; though courts differ as to just when the mere occupancy of a trespasser ripens into possession. *Cain* v. *Flood*, 14 N. Y. Supp. 776; *Hodgkins* v. *Price*, 132 Mass. 196. In the principal case, however, the plaintiff had remained in possession after the expiration of his term. The defendant's evidence at best would only show that the plaintiff was not in exclusive possession; and having regard to the intent of the statute, the actual, peaceable possession of the plaintiff, though not exclusive and without right, would seem to be sufficient to require the defendant to enforce his superior right by the aid of the courts rather than by self-help. But see *Sitton* v. *Sapp*, 62 Mo. App. 197. If this is so, the evidence was irrelevant, and should not have been admitted.

TORTS — APPLICATION OF RULE OF FLETCHER *v.* RYLANDS. — The defendant's milldam broke, and the resulting flood destroyed a portion of the plaintiff's dam below. *Held*, that the plaintiff cannot recover without showing negligence on the part of the defendant. *City Water Power Co.* v. *City of Fergus Falls*, 128 N. W. 817 (Minn.).

The court admits that the doctrine of *Fletcher* v. *Rylands* is still law in Minnesota, but refuses to apply it here on the ground that milldams are not a non-natural user of land, but are highly beneficial, and are encouraged by statutes. Logically there is no reason for not applying the doctrine. To be sure the defendant has not brought the water upon his land in the first instance, but he has retained and collected it there for his own purposes, and it is likely to do mischief if it escapes. The English courts have applied the doctrine to just such a case. *Nichols* v. *Marsland*, 2 Ex. D. 1. The grounds given for exception practically allow the courts to throw an insurer's liability on a landowner or not according as their ideas of policy and common sense may dictate. The result reached in this particular case is undoubtedly the fair one. *Peters* v. *Devinney*, 6 U. C. C. P. 389; *Livingston* v. *Adams*, 8 Cow. (N. Y.) 175; *Inhabitants of Shrewsbury* v. *Smith*, 12 Cush. (Mass.) 177. It might better have been attained more directly.

TORTS — INTERFERENCE WITH BUSINESS OR OCCUPATION — WHETHER DAMAGE TO CONTRACT RIGHT BY NEGLIGENT ACT OF THIRD PARTY IS ACTIONABLE TORT. — The plaintiff's tug was towing a ship from one port to another under a contract. The defendant's vessel negligently collided with and sank the tow. The tug was uninjured. The plaintiff sued the defendant to recover the amount of towage remuneration so lost. *Held*, that plaintiff has no cause of action. *La Société Anonyme de Remorquage à Hélice* v. *Bennetts*, 27 T. L. R. 77 (Eng., K. B. Div., Nov. 8, 1910). See NOTES, p. 397.

VOLUNTARY ASSOCIATIONS — NAME OF ORGANIZATION: RIGHT TO EXCLUSIVE USE. — The plaintiff existed for several years in Connecticut as a voluntary benefit association, and was then incorporated. The defendant was a similar organization in New York, and established branches in Connecticut. The characteristic portion of the defendant's name was the same as the plaintiff's name. Because of the resulting confusion in the public mind, and the consequent interference with the plaintiff's work, the plaintiff sued to enjoin the defendant from using this name. *Held*, that the defendant be enjoined. *Daughters of Isabella No. 1* v. *National Order of Daughters of Isabella*, 78 Atl. 333 (Conn.).

For a discussion of the principles involved, see 23 HARV. L. REV. 572.